

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

	X	
	:	
In re	:	Chapter 11
	:	
PHOENIX SERVICES TOPCO, LLC, <i>et al.</i> ,	:	Case No. 22–10906 (MFW)
	:	
Debtors. ¹	:	(Jointly Administered)
	:	
	:	
-----	X	
	:	
FIFTH THIRD BANK, N.A.	:	
	:	
Plaintiff,	:	
	:	
v.	:	Adv. Pro. No. 23-50314 (MFW)
	:	
METAL SERVICES, LLC d/b/a	:	
PHOENIX SERVICES LLC,	:	
	:	
Defendant.	:	
-----	X	

**NOTICE OF *AMENDED*² AGENDA OF MATTERS SCHEDULED FOR
HEARING ON MAY 9, 2023 AT 3:00 P.M. (ET)**

1 The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are: Phoenix Services Topco, LLC (4517); Phoenix Services Parent, LLC (8023); Phoenix Services Holdings Corp. (1330); Phoenix Services International LLC (4693); Metal Services LLC (8793); Terracentric Materials LLC (0673); Cool Springs LLC (8687); Metal Services Investment LLC (2924); and Phoenix Receivables, LLC (not applicable). The Debtors' mailing address is 4 Radnor Corporate Center, Suite 520, 100 Matsonford Road, Radnor, PA 19087.

² Amended agenda items appear in bold.

THE REMOTE HEARING WILL BE CONDUCTED ENTIRELY BY ZOOM AND REQUIRES ALL PARTICIPANTS TO REGISTER IN ADVANCE. COURTCALL WILL NOT BE USED TO DIAL IN.

PLEASE USE THE FOLLOWING LINK TO REGISTER FOR THE HEARING:

<https://debuscourts.zoomgov.com/meeting/register/vJlscOigrT8rE4VghHxFXCu74Ge6QhySXBA>

ONCE REGISTERED, PARTIES WILL RECEIVE A CONFIRMATION EMAIL CONTAINING PERSONAL LOG-IN INFORMATION FOR THE HEARING.

I. ADJOURNED MATTER:

1. Motion of Farmers Bank and Trust for Relief from the Automatic Stay Pursuant to 11 U.S.C. §362 to Commence Replevin Action Against Metal Services LLC and/or Adequate Protection [[Docket No. 630](#); filed March 21, 2023]

Response/Objection Deadline: April 4, 2023 at 4:00 p.m. (ET); extended for the Debtors

Responses/Objections Received: None at this time

Status: The hearing on this matter has been adjourned to a date and time to be determined.

II. MATTERS FILED UNDER CERTIFICATION:

2. Motion of Debtors for Entry of Order (I) Approving Proposed Disclosure Statement and Form and Manner of Notice of Disclosure Statement Hearing, (II) Establishing Solicitation and Voting Procedures, (III) Scheduling Confirmation Hearing, (IV) Establishing Notice and Objection Procedures for Confirmation of Proposed Plan, and (V) Granting Related Relief [[Docket No. 710](#); filed April 18, 2023] (the “**Motion**”)

Response/Objection Deadline: May 2, 2023 at 4:00 p.m. (ET)

Responses/Objections Received:

- A. Informal comments from Office of the United States Trustee
- B. Informal comments from the Official Committee of Unsecured Creditors
- C. Informal comments from the Ad Hoc Group (as defined in the Plan (as defined below))

- D. Informal comments from the Prepetition First Lien Administrative Agent (as defined in the Plan)

Related Documents:

- i. Joint Chapter 11 Plan of Reorganization of Phoenix Services Topco, LLC and its Debtors Affiliates [[Docket No. 677](#); filed April 4, 2023]
- ii. Disclosure Statement for Joint Chapter 11 Plan of Reorganization of Phoenix Services Topco, LLC, and its Debtor Affiliates [[Docket No. 680](#); filed April 4, 2023]
- iii. Notice of Hearing to Consider Approval of Proposed Disclosure Statement for Joint Chapter 11 Plan of Reorganization of Phoenix Services Topco, LLC, and its Debtor Affiliates [[Docket No. 681](#); filed April 4, 2023]
- iv. Joint Chapter 11 Plan of Reorganization of Phoenix Services Topco, LLC and its Debtors Affiliates [[Docket No. 753](#); filed May 5, 2023] (the “**Plan**”)
- v. Disclosure Statement for Joint Chapter 11 Plan of Reorganization of Phoenix Services Topco, LLC, and its Debtor Affiliates [[Docket No. 754](#); filed May 5, 2023] (the “**Disclosure Statement**”)
- vi. Notice of Blacklines of (I) Joint Chapter 11 Plan of Reorganization of Phoenix Services Topco, LLC and its Debtor Affiliates and (II) Disclosure Statement for Joint Chapter 11 Plan of Reorganization of Phoenix Services Topco, LLC, and its Debtor Affiliates [[Docket No. 755](#); filed May 5, 2023]
- vii. Certification of Counsel Regarding Order (I) Approving Proposed Disclosure Statement and Form and Manner of Notice of Disclosure Statement Hearing, (II) Establishing Solicitation and Voting Procedures, (III) Scheduling Confirmation Hearing, (IV) Establishing Notice and Objection Procedures for Confirmation of Proposed Plan, and (V) Granting Related Relief [[Docket No. 756](#); filed May 5, 2023]

Status: All informal responses have been resolved for purposes of the hearing on approval of the Motion and the Disclosure Statement. Accordingly, on May 5, 2023, the Debtors filed a revised form of order under certification of counsel in connection with this matter. A hearing with respect to this matter is only required to the extent that the Court has any questions or concerns.

3. Motion of Debtors for Entry of an Order (I) Further Extending the Exclusive Periods to File and Solicit Acceptances of a Chapter 11 Plan, and (II) Granting Related Relief [[Docket No. 713](#); filed April 20, 2023]

Response/Objection Deadline: May 2, 2023 at 4:00 p.m. (ET)

Responses/Objections Received: None

Related Documents:

- i. Certificate of No Objection Regarding Motion of Debtors for Entry of an Order (I) Further Extending the Exclusive Periods to File and Solicit Acceptances of a Chapter 11 Plan, and (II) Granting Related Relief [[Docket No. 750](#); filed May 3, 2023]
- ii. **Order (I) Further Extending the Exclusive Periods to File and Solicit Acceptances of a Chapter 11 Plan, and (II) Granting Related Relief** [[Docket No. 762](#); filed May 8, 2023]

Status: **On May 8, 2023, the Court entered an order regarding this matter. Accordingly, a hearing on this matter is no longer necessary.**

4. Motion of Debtors for Entry of an Order (I) Extending Time to Assume or Reject Unexpired Leases of Nonresidential Real Property and (II) Granting Related Relief [[Docket No. 726](#); filed April 25, 2023]

Response/Objection Deadline: May 2, 2023 at 4:00 p.m. (ET)

Responses/Objections Received: None

Related Documents:

- i. Certificate of No Objection Regarding Motion of Debtors for Entry of an Order (I) Extending Time to Assume or Reject Unexpired Leases of Nonresidential Real Property and (II) Granting Related Relief [[Docket No. 751](#); filed May 3, 2023]
- ii. **Order (I) Extending Time to Assume or Reject Unexpired Leases of Nonresidential Real Property and (II) Granting Related Relief** [[Docket No. 783](#); filed May 8, 2023]

Status: **On May 8, 2023, the Court entered an order regarding this matter. Accordingly, a hearing on this matter is no longer necessary.**

III. PRE-TRIAL CONFERENCE:

5. Adversary Complaint for Declaratory Judgment Regarding Ownership of Certain Equipment [[Docket No. 640](#) / [Adv. Docket No. 1](#); filed March 24, 2023]

Response/Objection Deadline: April 28, 2023 at 4:00 p.m. (ET); extended to May 12, 2023 at 4:00 p.m. (ET)

Responses/Objections Received: None at this time

Related Documents:

- i. Summons and Notice of Pretrial Conference in an Adversary Proceeding [[Adv. Docket No. 3](#); filed March 29, 2023]
- ii. Notice of Pretrial Scheduling Conference [[Adv. Docket No. 5](#); filed April 4, 2023]
- iii. Bankruptcy Rule 7007.1 Disclosure Statement of Plaintiff Fifth Third Bank, N.A. [[Adv. Docket No. 6](#); filed April 7, 2023]
- iv. Certification of Counsel Regarding Order Approving Stipulation Extending the Answer Deadline and Adjourning Pretrial Scheduling Conference [[Adv. Docket No. 7](#); filed April 27, 2023]

Status: **The hearing on this matter has been adjourned to the omnibus hearing scheduled for May 31, 2023 at 2:00 p.m. (ET).**

Dated: May 8, 2023
Wilmington, Delaware

/s/ *Matthew P. Milana*

RICHARDS, LAYTON & FINGER, P.A.

Daniel J. DeFranceschi (No. 2732)

Zachary I. Shapiro (No. 5103)

Matthew P. Milana (No. 6681)

Emily R. Mathews (No. 6866)

One Rodney Square

920 North King Street

Wilmington, Delaware 19801

Telephone: (302) 651-7700

Facsimile: (302) 651-7701

Email: defranceschi@rlf.com

shapiro@rlf.com

milana@rlf.com

mathews@rlf.com

-and-

WEIL, GOTSHAL & MANGES LLP

Ray C. Schrock (admitted *pro hac vice*)

Jeffrey D. Saferstein (admitted *pro hac vice*)

Garrett A. Fail (admitted *pro hac vice*)

767 Fifth Avenue

New York, New York 10153

Telephone: (212) 310-8000

Facsimile: (212) 310-8007

Email: ray.schrock@weil.com

jeffrey.saferstein@weil.com

garrett.fail@weil.com

*Attorneys for Debtors
and Debtors in Possession*